United Nations A/HRC/29/G/7

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Human Rights Council
Twenty-ninth session
Agenda item 4
Human rights situations that require the Council's attention

Letter dated 23 June 2015 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I present my compliments to you and have the honour to transmit herewith the statement issued by the spokesman for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea (DPRK) on 23 June 2015 with regard to the setting-up of the "UN Human Rights Office – Seoul" (see annex).

I take this opportunity to reiterate the position of the Government of the DPRK that categorically opposed and rejected the "human rights resolution" railroaded through the 25th meeting of the Human Rights Council in March 2014, as it was a product of the vicious hostile U.S. policy towards the DPRK. The DPRK has, therefore, never recognized the "office" set up pursuant to the "resolution". The DPRK vehemently condemns the ruckus of setting up the "office" in Seoul as another form of the anti-DPRK "human rights" campaign launched by hostile forces seized with an inveterate repugnance towards the DPRK and a hideous politically motivated provocation challenging the dignity and social system of the DPRK.

I would appreciate it if you could kindly circulate my letter and the attached statement* as a document of the twenty-ninth session of the Human Rights Council under agenda item 4.

(*Signed*) So Se Pyong

Ambassador, Permanent Representative

* Circulated as received, in the language of submission only.

GE.15-11077 (E)

1511077

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Annex

[English only]

Statement issued by the spokesman for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea (23 June 2015)

The dishonest hostile forces are getting extremely reckless and provocative in their moves to tarnish the dignity and image of the Democratic People's Republic of Korea (DPRK) and bring down its ideology and social system at any cost under the pretext of non-existent "human rights issue."

The hostile forces finally set up the ghost-like "UN human rights office" in south Korea despite the DPRK's repeated warnings and strong protest of different countries and their people.

This is a hideous politically-motivated provocation challenging the dignity and social system of the DPRK and a criminal act of escalating tensions on the Korean peninsula and in the region and inciting confrontation under the pretext of "protecting human rights."

The hostile forces are advertising the establishment of the "office" was pursuant to the "resolution" of the Human Rights Council but they can never cover up their true colors as plot-breeders.

The DPRK categorically opposed and rejected the "human rights resolution" railroaded through the 25th meeting of the UN Human Rights Council in March last year as it was a product of the U.S. vicious hostile policy toward the DPRK. The DPRK, therefore, never recognizes the "office" set up, pursuant to the "resolution."

The DPRK vehemently condemns the ruckus of setting up the "office" in Seoul as another form of the anti-DPRK "human rights" campaign launched by the hostile forces seized with the inveterate repugnance towards the DPRK.

The south Korean puppet authorities have turned south Korea into a tundra of human rights by invoking the "Security Law" and other evil laws. It is the height of impudence for them to have taken the lead in setting up such "office", talking volumes about the "human rights issue" in the DPRK.

They allowed the setting up of the "office" in Seoul though no country in the world dared do so. This is an anachronistic behavior and a grave provocation pushing the inter-Korean confrontation to an extreme phase contrary to the desire of all Koreans for improved inter-Korean relations.

It is as clear as noonday that the "office" is no more than a center for gathering misinformation cooked up by "defectors from the north" and other riff-raffs to earn money as it is set to implement the U.S. hostile policy towards the DPRK from A to Z.

It is ridiculous, indeed, for the U.S. and other hostile forces to work hard to save the anti-DPRK "human rights" campaign from bankruptcy by patronizing the human scum who eke out their living through false propaganda.

It is no more than a daydream for them to try to do harm to the DPRK standing highly dignified for its independence and Songun by employing such base means and methods as setting up the "office".

The DPRK will decisively foil the reckless "human rights" racket against the DPRK through resolute toughest counteractions.

United Nations A/HRC/29/G/8

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7 July 2015

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Human Rights Council
Twenty-ninth session
Agenda item 4
Human rights situations that require the Council's attention

Note verbale dated 1 July 2015 from the Permanent Mission of Eritrea to the United Nations Office at Geneva addressed to the Office of the President of the Human Rights Council

The Permanent Mission of the State of Eritrea to the United Nations and other international organizations in Geneva presents its compliments to the Office of the President of the Human Rights Council and has the honour to draw the attention of the Office to the following.

The Permanent Mission has learned that the press statement of the Ministry of Foreign Affairs ("'Commission of inquiry'" Report: Cynical political travesty that undermines human rights") which it had submitted for circulation as one of the official documents of the Human Rights Council has been subjected to unprofessional modifications that the Mission considers to be a forgery. In this act, the following two paragraphs have been added from a DPRK document that has changed the whole content and spirit of the press statement:

> We are fully ready for any confrontation with the U.S. and will shatter the reckless "human rights" racket by the hostile forces through our toughest reaction.
>
> The moves of the hostile forces to dare provoke the socialist system of the DPRK which was chosen and has been consolidated by the Korean people will not be able to escape disgraceful doom.

The myth to relate Eritrea with the DPRK as part of the deliberate efforts to disinformation and blackmail on Eritrea are not at all new attempts. The Mission deplores the unprofessional act and can hardly believe that the above insertions are genuine mistakes.

The Permanent Mission would also like to inform the Office of the President of the Human Rights Council that the forged document was quoted and disseminated by some media outlets, organizations and individuals that continuously work to tarnish the image of Eritrea for other ulterior political motives under the guise of human rights.

In the event, the Permanent Mission kindly requests the Office:

1. To take corrective measures by replacing the said document with the original press statement as sent by the Mission in PDF and Word versions;

2. To issue a public statement denouncing the unprofessional act so as to prevent further similar acts and to correct the wrong image portrayed of Eritrea by the media in general and social media in particular;

3. To investigate the case and to hold those responsible to account, and to further communicate the findings and actions taken to the Eritrean Permanent Mission, members of the Council and the wider public;

4. To kindly circulate the present note verbal and its attachments as an official document of the Human Rights Council.

The following documents* are attached:

- Original press statement (annex I)
- Annex I to document A/HRC/29/G/6 (annex II)

* Reproduced as received, in the language of submission only.

Annex I

[English only]

Original press statement

"Commission of inquiry" report: Cynical political travesty that undermines human rights

The People and Government of Eritrea finds the wild accusations leveled against them by the "Commission of Inquiry" established by the Human Rights Council of "systematic and gross violation of Human Rights" totally unfounded and devoid of all merit. These accusations are simply a continuation and escalation of politically motivated campaign to undermine the political, economic and social progress the country is making, including in the area of human rights. They are an attack, not so much on government, but on the civilized people and society who cherished values and dignity.

These accusations and the despicable attempt to silence those who have anything positive to say about Eritrea are a transparent attempt race time to impede the increasing and increasingly productive international engagement with Eritrea. Clearly, the resort to extreme charges and indecent hyperbole, including cynical and unwarranted reference to "possible Crimes against humanity," is intended to forestall a sober reflection of the reality in Eritrea and to rush matters and force the issue before fairness and injustice can prevail. It is also undeniable that there are those who will hide behind these outrageous claims to whitewash their transgressions against Eritrea to seek pretext acts to destabilization.

Eritrea has consistently stated that as nation born in struggle for human Rights, in remains fully committed to ensuring and enhancing the human rights of its people, to improving the quality of life of all its citizens. It is a telling indictment that in the region under severe threat from violence, gross abuse, extremism and terrorism, where so many commit so many crimes, the sponsors of the Commission chose to attack peaceful, stable, harmonious, human development-focused Eritrea. They need to be forcefully challenged and held accountable as their actions and lack of integrity and professionalism undermine human rights institutions as well as regional peace and stability. Eritrea, accordingly calls on all nations and on all people who value fairness, justice and human rights to demand an end to the travesty that is perpetrated by "Commission of Inquiry".

For Eritrea the current attacks aimed at undermining our sovereignty and progress are a matter of Déjà Vu. We were denied our right to independence as a former colonial country because of the perceived "strategic interests" of the United States. Few supported us during our legitimate struggle for freedom. The powerful tried to denigrate our cause and bombed us into submission. We were routinely written off. And yet, by dint of our determination and humanity, we immerged victorious.

Today, despite the vile slanders and false accusations despite a deafening international silence in the face of the illegal occupation of our land in violation of international law, despite economic pressures and encouragement of illegal migration, our resolve and confidence that we will build a dignified and prosperous nation remains unshaken.

Eritrea will not be diverted from that lofty objective and will redouble its determination and efforts to achieve it.

Annex II

[English only]

Annex I to document A/HRC/29/G/6

Press statement

"Commission of inquiry" report: Cynical political travesty that undermines human rights

The People and Government of Eritrea finds the wild accusations leveled against them by the "Commission of Inquiry" established by the Human Rights Council of "systematic and gross violation of Human Rights" totally unfounded and devoid of all merit. These accusations are simply a continuation and escalation of politically motivated campaign to undermine the political, economic and social progress the country is making, including in the area of human rights. They are an attack, not so much on government, but on the civilized people and society who cherished values and dignity.

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For Eritrea the current attacks aimed at undermining our sovereignty and progress are a matter of Déjà Vu. We were denied our right to independence as a former colonial country because of the perceived "strategic interests" of the United States. Few supported us during our legitimate struggle for freedom. The powerful tried to denigrate our cause and bombed us into submission. We were routinely written off. And yet, by dint of our determination and humanity, we immerged victorious.

Today, despite the vile slanders and false accusations despite a deafening international silence in the face of the illegal occupation of our land in violation of international law, despite economic pressures and encouragement of illegal migration, our resolve and confidence that we will build a dignified and prosperous nation remains unshaken.

Eritrea will not be diverted from that lofty objective and will redouble its determination and efforts to achieve it.

We are fully ready for any confrontation with the U.S. and will shatter the reckless "human rights" racket by the hostile forces through our toughest reaction.

The moves of the hostile forces to dare provoke the socialist system of the DPRK which was chosen and has been consolidated by the Korean people will not be able to escape disgraceful doom.

United Nations A/HRC/29/G/9

General Assembly

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Human Rights Council
Twenty-ninth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 30 June 2015 from the Permanent Mission of Malaysia to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of Malaysia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and the secretariat of the Human Rights Council, and has the honour to refer to the statements delivered by the delegation of Malaysia during the interactive dialogues with the Special Rapporteur on trafficking in persons, especially women and children on 16 June 2015, and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on 18 June, during the twenty-ninth session of the Human Rights Council (see annexes I and II).

The Permanent Mission of Malaysia also has the honour to request that both statements* be included as documents of the twenty-ninth session of the Human Rights Council.

* Reproduced as received, in the language of submission only.

GE.15-11632 (E)

1511632

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Annex I

[English only]

Main content of the statement made at the interactive dialogue with the Special Rapporteur on trafficking in persons, especially women and children

1. Malaysia wishes to first place on record its appreciation to the SR for undertaking the visit and for the professionalism demonstrated in the discharge of her mandate.

2. The Government of Malaysia had engaged with the SR and her team with an open mind and in a transparent manner with a view to benefit as much as possible from their knowledge and experience. We acknowledge that the constructive engagement with the SR has brought to light certain institutional, policy and implementation gaps which the Government is committed to improve in the context of its overall efforts to promote and protect human rights in the country.

3. In the interest of brevity and given the short time allowed for response, I wish to only make some general remarks on the SR's report at this stage. I wish to inform that following careful study and consultations on the report, Malaysia has duly considered and taken full note of all the recommendations proposed by the SR. My delegation will further elaborate its position in the annex to this statement, which will also be made available in the HRC extranet.

4. Malaysia recognizes that trafficking in persons is an issue which is a real threat to most countries in the world. It is a multifaceted problem which requires extensive coordination and cooperation from all sides of the Government and other relevant interlocutors.

5. Given the complexity of this issue, Malaysia acknowledges that political will is a major factor for the country to achieve intended results in dealing with issues related to trafficking in persons. Therefore, the interagency monitoring mechanism, Council of Anti-Trafficking in Persons and Anti-Smuggling of Migrants, MAPO Meeting has been upgraded to a Ministerial level, now known as the High Level Committee Meeting of MAPO. The meeting is now chaired by the Minister of Home Affairs.

6. While recognising that more remains to be done, the Government is pleased to note that in her report, the SR has recognised the continuous efforts that have been undertaken by Malaysia. This includes the promulgation and amendment of the Anti-Trafficking and Smuggling Migrants Act 2007 (ATIPSOM 2007) as well as the multidisciplinary approach in anti-trafficking measures which involves domestic and international cooperation.

7. While the institutional and legal framework to prevent and combat trafficking is in place in Malaysia, the Government acknowledges the fact that the existing challenge would be to ensure that the mechanism is effective. It must also be able to deal with the ever-changing feature of trafficking in persons, especially when it concerns migration and labour policies.

8. In this regard, the Government takes this opportunity to reaffirm that in its efforts to combat trafficking in persons the Government would further enhance the role of MAPO. This would include a coordinated and efficient approach, among others, through regular policy reviews in order to meet the current challenge of the scourge.

9. For Malaysia, it has been observed that the SR during her visit had placed great emphasis on the protection aspect of the victims. In this regard, my delegation wishes to

reaffirm the Government's commitment to expedite the relevant amendments to ATIPSOM 2007. The amendments to ATIPSOM 2007 would further ensure and improve the prevention and protection aspect for victims of trafficking.

10. Under the newly proposed amendments, ATIPSOM 2007 would allow a greater participation of NGOs in the protection of victims. The Government is proposing for the expansion of the definition of "protection officers" to include both civil servants and NGOs. Taking into account their expertise, NGOs which are recognized as "protection officers" would be able to fully operate shelter homes for the victims. The expansion of NGOs participation as such is being proposed with a view to provide better protection for the victims.

11. The newly proposed amendments would also afford better freedom of movement to the victims. Currently, all victims are prohibited from travelling, working, and residing outside government facilities while under protection orders. They are required to remain in the shelter home for 3 months under the protection orders. Malaysia seeks to review the current 3-months period for victims to be housed in the shelter homes. Malaysia is also considering the possibility of issuing special passes for the victims which will allow them to move and work freely while under the protection orders.

12. Malaysia has also considered the inclusion of the element of compensation for victims of trafficking in the ATIPSOM 2007. The Authorities are currently identifying the most appropriate mechanism to compensate the victims.

13. In conclusion, I wish to reaffirm my Government's commitment to continue to undertaking significant efforts, within available resources and capacity, to improve existing mechanisms to effectively combat trafficking in persons.

Observations of the Government of Malaysia on the report of the visit by the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/29/38/Add.1)

Malaysia offers the following additional clarification on a recommendation listed under paragraph 92 of A/HRC/29/38/Add.1:

(e) Ensure that the ongoing revision of the Child Act 2001 (Act 611) provides further protection for children victims of trafficking;

The Government firmly believes that the protection of children is a shared responsibility between both the authorities and the public.

The Child Act 2001 (Act 611) has been in place with a view to afford to trafficked children temporary care / shelter under the Department of Social Welfare. Section 17 of Act 611 has listed the categories of children as not limited to Malaysians, in need of care and protection. This section is applicable when it constitutes one or more of the element of abuse (physical, mental or sexual), neglect (basic needs), trafficking in persons or exploitation.

The Government is in its final stage of reformulating Act 611 which includes concerns over trafficked children. It has undergone various consultation sessions and engagement with government agencies, non government organisations and academicians. The revised Act will be regarded as comprehensive and sensitive to the needs and protection of children.

Annex II

[English only]

Main content of the statement made at the interactive dialogue with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

1. Malaysia wishes to first place on record its appreciation to the SR for undertaking the visit and for the professionalism demonstrated in the discharge of his mandate.

2. The Government of Malaysia had engaged transparently and with an open mind with the SR and his team. This was with a view to glean to from their knowledge and experience ways in which the Government could further improve its delivery of the right to health.

3. The constructive engagement with the SR had highlighted certain institutional, policy and implementation gaps which the Government is committed to improve in the context of its overall efforts to promote and protect human rights in the country.

4. I wish to underline that following careful study and consultations on the report, Malaysia has duly considered and takes full note of all the recommendations proposed by the SR. My delegation will further elaborate its position in the annex to this statement, which will also be made available in the HRC extranet.

5. In his report, the SR assessed issues including those relating to the right to health of non-nationals such as migrants, refugees and asylum seekers. In this regard, the Government views non-discrimination as to non-nationals as not necessarily implying an obligation on States to guarantee to non-nationals the same parameters of rights as to their nationals. The term should be understood to refer to the elimination of arbitrary behavior but not to differences in treatment based on reasonable consideration, in line with Article 2 the United Nations General Assembly Declaration on the human rights of individuals who are not nationals of the country in which they live (A/RES/40/144) 1985, which provides:

'Nothing in this Declaration shall be interpreted as legitimizing illegal entry into and presence in a State of any alien, nor shall any provision be interpreted as restricting the right of any State to promulgate laws and regulations concerning the entry of aliens and the terms and conditions of their stay or to establish differences between nationals and aliens. However, such laws and regulations shall not be incompatible with the international legal obligations of that State, including those in the field of human rights.' (emphasis added)

6. Furthermore, the same United Nations Declaration basically provides that certain civil and political rights, shall be enjoyed by non-nationals in accordance with domestic law and subject to the relevant international obligations of the State, and certain economic, social and cultural rights, shall be enjoyed by non-nationals, in accordance with national law and their obligations to observe the laws of the State in which they reside or are present and regard with respect the customs and traditions of the people of that State.

7. Nevertheless, my delegation wishes to stress that although Malaysia does not recognize the status of refugees or asylum seekers, Malaysia has been providing assistance on humanitarian grounds and continues to cooperate on a case-by-case basis with the UNHCR.

8. There appears to be unnecessary linkages in the SR's report between various aspects of the right to health and gender identity and sexual orientation issues such as the decriminalization of sodomy and the removal of any legal provisions that criminalize same-sex conduct and different forms of gender identity and expression.

9. In the case of Malaysia, cultural or religious beliefs directly influence the views and outlook as well as the law on questions of sexual behavior of the LGBT and condition the moral ethos of communities. Hence, the Government of Malaysia is entitled to maintain the legislation it has.

10. Malaysia is fortunate to have benefitted from a continuous series of governmental legislation, regulations, policies, programmes and activities for the purposes of improving the quality of physical and mental health in Malaysia.

11. My delegation wishes to underscore that while significant success has been achieved in the sector of health, additional measures and efforts can and shall be undertaken towards addressing the needs of the people in their enjoyment of the right to health.

12. In conclusion, I wish to reiterate my Government's commitment to continue ensuring that economic, social and cultural rights, including the right to health for all in Malaysia, could be progressively realized and enjoyed.

Observations of the Government of Malaysia on the report of the visit by the Special Rapporteur on the right to health (A/HRC/29/33/Add.1)

Malaysia offers the following additional clarification on certain recommendations listed under paragraph V of A/HRC/29/33/Add.1:

(a) Ensure that barriers to access sexual and reproductive rights of girls and women in Malaysia are removed, including by providing, regardless of age and marital status, sexual and reproductive health services and comprehensive adequate sexuality education and information;

The Government of Malaysia (GOM) wishes to emphasise that reproductive health education is taught mainly within the subjects of health and physical education and science education. School children are taught on health care including sexual reproduction in the current curriculum through the mentioned subjects and the Ministry of Education (MOE) feels that the curriculum is adequate. The Malaysian curriculum at the moment is able to educate children on basic information on reproductive health care and in order to enable them to make informed decisions on their reproductive health.

Since 1996, the Adolescent Health Services was introduced and gradually integrated into all government health facilities nationwide.

In 2001, the Ministry of Health (MOH) has developed a National Adolescent Health Policy and subsequently the National Adolescent Health Plan of Action as an advocacy tool to various relevant agencies to guide and support the health and development of adolescents in the country through holistic interventions.

MOH has also developed various modules, guidelines, SOPs to train health care providers on provision of quality, comprehensive adolescent friendly health services. Regular training on adolescent health care and counselling skills are conducted at the national, state and district levels to empower primary health care providers to engage and manage teenagers in a friendly, non-judgemental manner taking into consideration the principles of harm reduction, in the best interest of the child as well as their rights for appropriate information and sexual reproductive health services.

(b) Ensure that the legal age for marriage is set at 18 years of age, as established in international human rights standards, and do its utmost to eradicate and prevent child marriage and the negative effects it has on the health and well-being of girls;

On child marriage in Malaysia, the legal age of marriage for a non-Muslim is 18. Non-Muslim females are permitted to marry between the ages of 16 and 18 with the consent of the Chief Minister.

Section 10 of Law Reform (Marriage and Divorce) Act 1976 [Act 164], which provides that "Any marriage purported to be solemnized in Malaysia shall be void if at the date of the marriage either party is under the age of eighteen years unless, for a female who has completed her sixteenth year, the solemnization of such marriage was authorized by a license granted by the Chief under subsection 21(2)".

Section 21(2) [Act 164], provides that "The Chief Minister may in his discretion grant a license under this section authorizing the solemnization of a marriage although the female party to the marriage is under the age of eighteen years, but not in any case before her completion of sixteen years".

Syariah law has provided a strict procedure on child marriage. Under Syariah law, Section 8 of Islamic Family Law (Federal Territories) Act 1984 [Act 303], provides that "No marriage may be solemnized under this Act where either the man is under the age of eighteen or the woman is under the age of sixteen except where the Syariah Judge has granted his permission in writing in certain circumstances". While Section 13 of Act 303 mentions that consent of both parties is required before the marriage is solemnized.

The main principle in the provision is clearly stated that child marriage is not allowed under the law. However in certain cases, the marriage is allowed subject to Syariah Judge's discretion and on reasonable ground may allow such marriage.

Thus, based on the above provisions, notwithstanding that child marriage were allowed, but it is subject to the conditions imposed by the Syariah Judge to ensure that any person under the age are eligible for marriage.

By virtue of the Ninth Schedule of the Federal Constitution, Islamic Law and the constitution, organization and procedure of the Syariah courts have been placed under the jurisdiction of the State whilst the civil and criminal law and procedures and the administration of justice including the constitution and organization of the civil courts under the jurisdiction of the Federal Government. Both courts systems are parallel under the Constitution.

(c) Harmonize national legislation and customary and religious laws with international human rights standards, and the introduce a legal prohibition of harmful practices, including female genital mutilation or female circumcision, supported by initiatives to prevent and address those practices;

A study conducted by Maznah et al (2010) found that majority of Malaysian Muslim women (93.6%) practise female circumcision and yet there is no report of post female circumcision complications amongst girls and women by pediatricians, physicians or obstetricians. Another study by Ab. Rahman (1999) also has shown no clinical evidence of injury to clitoris or labia or evidence of physical sign of excised tissue. This findings concur to study by A.K.Rashid etal (2010), which concluded that the practice of female circumsion in Malaysia is harmless.

This is in contrast to situations observed in other countries where the girls and women experienced complications such as fistula, infibulation, post partum hemorrhage, severe bleeding, infections, and difficulty in passing urine or tissue scarring following FGM.

GOM wishes to further emphasise that Malaysia upholds individual rights to religion and religious practices. Male and female circumcisions are advocated among the Muslim community. MOH has taken steps to ensure if the practice is to be continued, it has to be guided by a clear medical and religious policy.

GOM wishes to underline that the SR's proposition that certain beliefs and practices such as female genital mutilation impede efforts to prevent and eliminate discrimination and violence against women. This erroneously refers to female circumcision as practised in Malaysia. In fact, standards and guidelines have been established by the relevant authorities to ensure that female circumcision as practiced in Malaysia conform to the religious requirements and medical procedure standards. In essence, the position of Malaysia on female gender mutilation is clear where we condemn the practice as it violates women's human rights and is a form of sexual abuse and discrimination which has a detrimental effect on women's health.

(d) Take the necessary measures so that indigenous communities enjoy their right to health by ensuring access to information and that health services are available, accessible, affordable, adequate and of good quality;

(e) Involve indigenous communities in the health decisions that affect them by consulting them in advance on relevant policies and providing health-related information in a culturally sensitive manner;

JAKOA facilitates and protects the interest of Orang Asli to land, territories and resources. However, land administration in Malaysia falls under the jurisdiction of the respective states, apart from the federal government of which JAKOA is a part of.

At present, JAKOA continues its consultation with the Orang Asli community with regards to various issues affecting them according to consultation mechanism based on human rights standard.

(f) Ensure that non-nationals, in particular undocumented migrants, refugees and asylum seekers, can afford to access public health care, and consider exempting them from the increase in fees;

It is the MOH policy to treat all patients without discrimination; citizen and non-citizen (legal and illegal immigrants). Medical Personnel at all health facilities shall provide care to all patients according to their clinical status. In many cases, illegal immigrants are admitted to the wards and Intensive Care if the clinical condition warrants it.

(g) Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in order to ensure adequate protection of refugees and asylum seekers;

Although Malaysia is not a signatory to the 1951 Convention relating to the Status of Refugees and the related 1967 Protocol, it has, nevertheless been responding to and providing assistance to refugees coming to the country on humanitarian grounds. Malaysia also continues to cooperate with the UNHCR and other international organisations dealing with refugees and asylum seekers on a case-by-case basis.

It is important to note that the 'UNHCR Cardholders' in Malaysia enjoy freedom of movement, access to local healthcare facilities and medical treatment at any local healthcare institution at a rate of 50% less than stipulated for foreigners. Vaccination for children is also given free of charge.

(h) End the practice of establishing immigration counters in public hospitals, and of arresting undocumented migrant and asylum-seeking women who have just given birth in these hospitals;

There are 17 detention centres in Malaysia. All detention centres are attached to the nearest healthcare clinics. A team of Healthcare Personnel will do health visits at regular intervals, at least once in every two weeks. Necessary treatment will be given to all detainees as required. Antenatal mothers are brought the nearest government health clinics for regular antenatal examination and follow-ups.

(i) Ensure that the conditions of immigration detention centres are up to international standards, and ensure that they are regularly monitored by the relevant authorities and institutions, including the Ministry of Health, Suhakam, the International Committee of the Red Cross, and UNHCR;

The standard menu is four (4) times daily inclusive of breakfast in the morning and hi-tea in the afternoon.

The detainees are given time to do recreational activities outside their block everyday

The Immigration Detention Centre is just transit place for a detainee before repatriation to home country. It is also in the process of improving inside the depot as suggested by the NGOs such as Suhakam and ICRC.

(j) Decriminalize sodomy and remove any legal provisions that criminalize same-sex conduct and different forms of gender identity and expression so as to guarantee that the existing legal framework is in accordance with the Federal Constitution and international human rights law;

(k) Legally recognize the gender identity of transgender people and prohibit any discrimination on the basis of gender identity in all areas, including health, education, employment and access to public services;

The GOM wishes to emphasise that any arrest made is in accordance to the Standard Operation Procedure of the department. The transgender are identified and are separated from the male and female detainees in a different cell. The GOM wishes to emphasise that the existing laws do not prohibit transgender men or women from the right to access healthcare. The GOM does not condone discrimination and violence towards anyone seeking health care services; including prevention, testing and care.

(l) Put an end to State-led programmes that expose and punish LGBT children, and ensure that they enjoy safe and enabling spaces in schools, and other public and private institutions;

GOM wishes to emphasise that its Ministry of Education has never introduced any 'corrective therapies' to change sexual orientation of adolescents. All child is treated equal and the Ministry of Education does not identify a child's sexual orientation.

Some of the programs implemented by Department of Islamic Development (JAKIM) aim to give awareness to these groups. The programs are focused on the treatment of spirituality and awareness.

Malaysia will continue our effort to provide good and quality care and services for children. We have been and are still working closely to increase efforts to curb with non-communicable diseases and promoting healthy lifestyles.

Malaysia, through the Ministry of Education, educates children and protects children's rights through anti bullying campaign and counselling in schools by school counsellors. MOE even has a hotline and this is promoted throughout all schools and media where children or any individual can report if there is any wrong doing or abuse towards school children.

It is pertinent to highlight that in addressing mental health in school, MOH collaborates with the Ministry of Education to establish a Healthy Mind Programme in schools which include screening for stress, anxiety and depression as well as provide intervention on stress management.

(m) Ban corporal punishment in public and private settings, and change the focus of child policies to move away from punitive approaches to promote the well-being and autonomy of children;

MOH does provide input to the Ministry of Education on the effects of mental health in relation to punishment in school, for example caning.

(n) Continue developing a system of user-friendly community-based services for children and adults with developmental and psychosocial disabilities, and ensure that the rights of these persons are respected, promoted and protected in accordance with the standards set by the Convention on the Rights of Persons with Disabilities;

Malaysia had formulated the Policy and Plan of Action for Persons with Disabilities in 2007. The National Policy on Persons with Disabilities and its Plan of Action which were drafted based on the Convention on the Rights of Persons with Disabilities, serve as the foundation and basis to ensure persons with disabilities in Malaysia enjoy their full and effective participation in society on an equal basis with others.

The implementation of the Policy involves 15 areas of focus relating to persons with disabilities which include advocacy, accessibility, health, rehabilitation, education, employment, personal safety and social security, support services, social, development of human resource, participation of society, research and development, housing, children with disabilities and women with disabilities.

Apart from the National Policy and Plan of Action for Persons with Disabilities, in December 2007, the Parliament of Malaysia passed the Persons with Disabilities Act which came into force in July 2008. The Act is aimed at ensuring that the rights, interests and welfare of persons with disabilities are protected.

The Ministry of Education has Special Needs Education Division that specifically looks into children with special needs. The number of schools for children with special needs is growing. There are also classes for children with special needs in mainstream schools and the number of these integrated schools is also growing.

MOH is moving towards promoting good mental health and mental wellbeing to reduce stigmatization and discrimination towards those with mental disorders.

This is done through public health education, health campaigns and media.

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 7 July 2015 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide herewith the comments of the Government of Greece on the written statement, dated 21 May 2015, submitted by Reporters Sans Frontiers International – Reporters Without Borders International, a non-governmental organization in special consultative status, submitted to the Human Rights Council at its twenty-ninth session under agenda item 3 (A/HRC/29/NGO/16).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the attached text* as a document of the twenty-ninth session of the Human Rights Council under agenda item 3.

* Reproduced as received, in the language of submission only.

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Annex

[English only]

Comments of the Government of Greece in relation to the written statement submitted by Reporters Sans Frontiers International – Reporters Without Borders International

With reference to the written statement submitted by the "Reporters Without Boarders International", NGO in special consultative status (A/HRC/29/NGO/16) and, in specific, the "blasphemy" case mentioned therein, Greece would like to inform the Human Rights Council on the following:

- A blogger was arrested, on September 2013, for parodying a well-known Greek Orthodox monk, said to have prophetic powers, and he was charged with "malicious blasphemy" ("punished by imprisonment up to two years", art. 198 Criminal Code) and "insulting religion" ("punished by imprisonment up to two years", art. 199 Criminal Code).
- On January 2014, he was found guilty of "repeatedly insulting religion" (and not of "malicious blasphemy") and was sentenced to a 10-month suspended sentence by the Criminal Court of First Instance. The case is currently pending before the Criminal Appeals Court.
- According to Greek Criminal Law, for the completion of both crimes of "malicious blasphemy" and "insulting religion", the "malicious" character of the criminal conduct of the perpetrator is required, as a mens rea element. Therefore, any mere expression of opinion, even in the form of objection, disapproval or disagreement, cannot be regarded as "malicious blasphemy" or "insulting religion".
- It should be noted that certain articles of the Criminal Code, including the abovementioned ones, are currently under review by the competent law-drafting Committee.
- In conclusion, Greece emphasizes the substantial promotion and protection of freedom of expression -as a fundamental prerequisite for building inclusive democracies and enhancing intercultural dialogue, peace and good governance- by undertaking various initiatives towards this direction. In this context and as far as media freedom, online and offline, is concerned, Greece participates, in the core group of countries (Argentina, Austria, Costa Rica, France and Tunisia), who annually submit, since 2013 onwards, thematic resolutions on the "Protection of Journalists" to the Human Rights Council (Resolution 27/5), as well as on the "Safety of Journalists and the Issue of Impunity" to the Third Committee of the UN General Assembly (Resolutions 68/163 and 69/185).